

**Fremont Conservation Commission**  
**02-02-09 Minutes**



**Fremont Conservation Commission**  
**Minutes of February 2, 2009**  
Approved March 2, 2009

Present: Chairman John (Jack) Karcz, Members Janice O'Brien, Tina Sturdivant, Bill Knee and Pat deBeer and Recording Secretary Meredith Bolduc.

Chrm. Karcz opened the meeting at 7:35 pm.

**MINUTES**

The minutes of January 19, 2009 were not approved. They will be addressed at the next meeting.

**MICHAEL SEEKAMP**

Map 2 Lot 141

Present: Michael Seekamp, CWS of Seekamp Environmental, NH DES Environmental Scientist John Liptak.

At 7:35 pm Mr. Seekamp met with the Commission to discuss the status and intent of the property at Map 2 Lot 141 owned by Mark Lagasse/Pentucket Construction. Mr. Seekamp said that he is going to file a Dredge and Fill permit application with NH DES for a proposal to fill a wetland, and mitigate by creating a new wetland. The Dredge and Fill application process was briefly discussed. Mr. Seekamp said that in November 2008 he and Mr. Lagasse met with the Planning Board who advised that to mitigate the wetlands, either by fees or building another wetland on the site, the owners would first need to go to the Conservation Commission, then to the NH DES for direction. He showed a plan of the property drawn by GA Consultants, Inc. of Newbury Massachusetts, labeled Proposed Site Plan for Tax Map 2 Lot 141 Fremont NH and dated August 14, 2008. Mr. Seekamp said that the property was a previous gravel operation where the owner excavated too low and intercepted the watertable. This qualifies as a wetland. In the spring it floods and there are times when water goes over the road (Rt 107) because the culvert plugs. They are not looking to fix the road. Because they are proposing to fill wetlands they will compensate by creating a new wetland as shown on the plan. The plan showed a proposed 4,870 sf wetland area to be eliminated, a 12,940 sf area of wetland to be filled in and a total wetland replication area of 18,000 sf. The plan also showed a proposed detention pond and a proposed retention pond. There is also a proposed 9,600 sf pre-engineered metal building. Mr. Seekamp said that the flood plain elevation is 145' so they are going to bring the bottom of the slab for the building to an elevation of 147'. The plan showed a proposed 30' paved drive and paved area around the building. The plan did not show a septic system or a well.

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Mr. Seekamp offered that Mr. Lagasse purchased the property thinking he could use it to store construction materials and equipment related to his "Pawtucket Construction" business including excavators, loaders, dump trucks, flatbeds on the property. In answer to questions by the Members, Mr. Seekamp said that; 1) it is his understanding that the materials stored and processed on the property would be all natural and consist of loam and rocks; 2) there would be a 500 gallon above ground off-road fuel tank. He did not know what kind of fuel it would contain; 3) it is possible that there will be equipment maintenance inside of the metal building.

There was a discussion relative to the equipment maintenance and the fuel storage tank. Mbr. O'Brien said the storage tank would be problematic. There was a question relative to why it would be necessary to have a fuel storage tank on the property. Article XI of the Fremont Zoning Ordinance was consulted for prohibited and permitted uses within the Aquifer Protection District.

Mr. Seekamp stated that if DES agreed to the change of wetlands it would change the wetland setbacks. He was reminded that the Fremont Zoning calls for 100' wetland setbacks.

Chrm. Karcz said that the owner needs to be specific in what he plans to do with the property so it can be determined if there are any zoning issues. The property, and the proposed use of the property, must be zoning compliant before the owners can go to the Planning Board for Site Plan Review.

A site walk was discussed. Mr. Liptak said that DES would probably want to do a site walk because existing vernal pools would be relocated. He said that Frank Richardson would be the DES contact. Chrm. Karcz requested that the Conservation Commission be notified when the DES scheduled a site visit so the Members could also attend.

At 8:05 Mr. Seekamp thanked the Commission and left the meeting.

#### **BROWNFIELDS PROPERTY**

Theresa Walker of RPC, PE/LSP Rip Patten and Hydrogeologist Rick Vandenberg of Credere Associates and Environmental Scientist John Liptak of NH DES met with the Commission relative to the Brownfields project along the Exeter River.

Mrs. Walker said the Planning Commission has received \$200,000 from EPA for Brownfield projects. They have applied for another \$400,000 grant, but have not heard if that has been awarded. Mrs. Walker said that from the 75 sites identified as possible Brownfield properties one of the sites that was selected was Hammond's garage located at 431 Sandown Road in Fremont (Tax Map 1 Lot 039). She said she met with Mr. Hammond this afternoon and he is willing to talk about whatever opportunity there is to do with the site.

Mrs. Walker said that Phase I of the Brownfields process, which was to identify components of recognized environmental conditions was done in August 2008.

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Mr. Vandenberg said Phase II seeks to confirm and evaluate those recognized environmental conditions. He submitted a draft of an Environmental Site Assessment report that was prepared by Credere Associates for Rockingham Planning Commission. Mr. Vandenberg reported that Credere has identified 6 recognized environmental conditions (REC) of the property including; 1) Lack of complete “waste removal” records. Testing indicates some gasoline released to the subsurface near the garage; 2) A drainpipe in the Exeter River – limited contamination; 3) Demolition debris/burn pile. No volatile organic compounds identified, but the pile should be removed; 4) Septic system – monitoring well showed the presence of volatile organic compounds; 5) Staining/stress vegetation – test showed residual soil contamination in the grassy car storage area; 6) Miscellaneous discarded items including old tires, asphalt shingles, unmarked 55-gallon drum and pieces of metal machinery. Soil sampling tests showed no volatile organic compounds present, but these items should be properly removed and disposed of as solid waste.

Mr. Vandenberg said that other areas of concern include asbestos present in linoleum and roofing tar paper on the buildings as well as lead based paint on the trim. They have installed 5 monitoring wells and collected soil samples from the wells which showed no problem. MTBE was shown to exceed the amber quality standards in a minor way. Mr. Vandenberg added that they checked the drinking water from the 20’ dug well that showed no contaminants, they field-screened the above ground storage tanks. He said that arsenic was detected in groundwater above standards and one of the wells had lead. They will do another round of samples. They used a variety of screening levels to monitor the threshold where a problem may or may not occur. The “Probable” level is less likely to have impact. Mr. Vandenberg said that two additional monitor wells should be installed downgradient of the septic system and residence for evaluation; one additional groundwater re-sampling event should be conducted to confirm these results; the surface soil stains in the area of the car storage area should be properly remediated prior to future re-development; the drain pipe inlet should be traced back to its origin and closed out prior to any re-development; asbestos-containing materials and lead-based paint should be abated – the cost is approximately \$12,000 for clean-up of asbestos and lead.

Mbr. deBeer asked if sediment in the river was tested. Mr. Vandenberg answered in the affirmative. He said that the sand in the river was light in color, but not white.

Mr. Patten reported that the results of the soil and water samples taken from the property show there is no extensive contamination.

Mr. Liptak explained that he is a project manager for the Brownfields project and his roll is to explain that the Brownfield program works with the owner of a contaminated property and to work with the owner to clean up the site. When the assessment is finished his department has money sometimes allocated to give to a Town for the clean-up and the Town is left with a clean property. There need to be shovel-ready projects ready to move forward if the Presidents stimulus package comes forward. A clean-up grant was discussed and it was noted that Mr. Hammond, as the owner, could not apply for clean-up moneys. The site is eligible for clean-up funds, but not as privately owned property. Mr.

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Liptak said the Fish & Game may have money available for the creation of boat launch areas and suggested Mrs. Walker might want to check this out.

In answer to questions by the Members, Mrs. Walker said that if there was no money to do the clean-up part of the project the owner would have to clean up the property himself. If it is not cleaned-up it cannot be a Brownfields property and no re-use can be done. It is in everyone's best interest to have a project ready to go for when the grant moneys are available. Mrs. Walker said that there are grant moneys for appraisal and feels the challenge is how to pay the owner. Mrs. Walker asked if the Town would be interested in owning the property. Mbr. O'Brian said that waterfront is an advantage, but no one wanted to commit to whether the Town would want to own the property.

Mr. Liptak explained how the State can assist with cleaning-up the property, if that is required. There was a conversation relative to purchase with no liability with a "covenant not to sue". Mr. Liptak said the DES tends to give money to a non-profit or Town who is going to purchase a property and has a good re-use plan that could include boat launches, trails, etc.

Mr. O'Brien said that the Conservation Commission cannot spend money on this project. Some unknowns include the value of the property, the asking price, and the amounts of grants that could be approved.

There was a conversation relative to making a purchase contingent upon clean-up funding. Mrs. Walker said that she will have a real estate appraisal of the property. She noted that there are potential grant sources for purchase, clean-up and re-use of the property.

Mrs. Walker said that she has an appointment to meet with the Selectmen at 6:30 pm on February 5, 2009 to report the findings that were discussed here tonight. Chrm. Karcz and Mbr. O'Brien said that they will plan to attend that meeting.

There was a discussion relative to reasons why the Town would want to own this property. Mbr. deBeer asked if Mrs. Walker has talked with any Land Trusts. Mrs. Walker said that the Town was the first stop and if the interest is not there she will go further. She said that any grants need to highlight compelling reasons that the Town would like to own the property. Mbr. deBeer said that there are limited funds for Conservation purchases and the focus has been on Spruce Swamp area.

The Members thanked Mrs. Walker, Mr. Patten, Mr. Vandenberg and Mr. Liptak for coming and at 10:15 pm they left the meeting.

#### **OAK RIDGE**

Mbr. O'Brien reported that she contacted Land Surveyor Tom Brouillette relative to an estimate to survey the Oak Ridge properties. Mr. Brouillette responded that he can perform the survey of the parcels of Oak Ridge (Map 4 Lots, 4, 8, 9, 10, 11, 12 and 16) to LCHIP standards for a total of \$13,900. This would also include blazing and flagging of lot lines and setting of missing lot corners (iron rods with built stone piles).

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Mbr. deBeer made the motion to proceed with the survey of Oak Ridge and authorize spending of up to \$13, 900 from the Current Use Fund to fund the survey.

Motion seconded by Mbr. Knee with unanimous favorable vote.

Mbr. deBeer suggested to combine the lots that make up Oak Ridge into one lot. There was discussion and the other Members agreed that this was a good idea.

#### **GLEN OAKES**

##### Mapping of the Town Forest for the Town website

Mbr. deBeer said that she is working on the map for the Glen Oakes trails. She reported that Mrs. Bolduc spoke with the Police Chief about names for the trails because for emergency response purposes the names should not be the same or similar to existing road names. He said to not use colors because there are already road names and brooks names with colors. Forest Loop is alright for the main loop trail. Plant species names would also be ok. Mbr. deBeer asked the Members for help in naming the trails.

At 10:25 pm Mbr. O'Brien made the motion to enter into non-public session, pursuant to NH RSA 91-A: 3 II (d), to discuss possible consideration of acquisition of real property.

Mbr. Sturdivant seconded the motion which was unanimously approved 5-0.

At 10:48 pm Mbr. O'Brien made the motion to return to public session.

The motion was seconded by Mbr. deBeer and unanimously approved 5-0.

Mbr. O'Brien made the motion that, pursuant to NH RSA 91-A: 3 III, in as much as divulgence of the information presented likely would affect adversely the action here enclosed and render it ineffective, the minutes of the non-public session held at tonight's meeting be sealed until such time as, in the opinion of a majority of the Members of the Fremont Conservation Commission, the aforesaid circumstances no longer apply.

The motion was seconded by Mbr. Sturdivant and unanimously approved 5-0.

#### **INCOMING CORRESPONDENCE**

There was no correspondence.

Mbr. O'Brien made the motion to adjourn at 10:50 pm.

Motion seconded by Mbr. deBeer with unanimous favorable vote.

Meredith Bolduc  
Recording Secretary